

HOUSE BILL 3786
By Rinks

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 5, relative to health care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, is amended by adding Sections 2 through 6 below as a new, appropriately designated part thereto.

SECTION 2. As used in this part, unless the context otherwise requires, "enrollee" means any person who is enrolled for health care benefits under a public program funded in whole or in part by this state, including TennCare or any other Medicaid program or children's health insurance program.

SECTION 3.

(a) Upon applying for a redetermination or confirmation of eligibility for benefits under any state-funded public health care program, each enrollee shall identify his or her employer or employers or, if the enrollee is not employed, then the enrollee shall identify each adult who is legally responsible for providing some or all of the health care recipient's support and the employer or employers of each such adult. The employer information shall be updated upon every confirmation or redetermination of eligibility in any state-funded public health care program.

(b) On or before May 31 of each year, the department of finance and administration shall transmit to the general assembly a report identifying those employers who were reported in the previous calendar year pursuant to subsection (a) above and who employ twenty-five (25) or more full-time employees who are, or whose spouses or dependent children are, state-funded public health care program enrollees. In determining whether the twenty-five (25) person threshold is met, the department shall

review quarterly wage data submitted to the department of labor and workforce development as required of businesses operating in the state of Tennessee, and shall include all enrollees who are full-time employees at any subsidiary of the employer at any location within the state. The report shall include each employer's name and the name of any appropriate subsidiaries, the locations of each, and the total number of its employees who were reported in the previous calendar year as having applied and been accepted as eligible for, or been reconfirmed as eligible for, state-funded public health care benefits. The report shall also include the total cost to the state of providing health care for the employees, and their spouses and dependent children, of each employer named in the report.

SECTION 4. The report shall not include the names or any identifying information of any individual program beneficiary and shall comply with any applicable requirements of the federal Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated pursuant thereto.

SECTION 5. The report shall be a public record and the department shall make the report available to the public in any reasonable manner determined by the department in accordance with applicable public records requirements.

SECTION 6. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2007, the public welfare requiring it.